

**From:** Stephen D. Williams  
**To:** Microsoft ATR  
**Date:** 1/24/02 10:16pm  
**Subject:** Microsoft Settlement

As a software engineer with over 19 years of experience who is also a consultant to the government, businessman, and consumer, I would like to comment on the Proposed Final Judgment  
<<http://www.usdoj.gov/atr/cases/ms-settle.htm>> in United States v. Microsoft.

Language in the agreement:

Specific complaints:

Definitions that indicate that only commercial products are covered completely excludes open source 'products', projects, cooperatives, or even use by individuals. Open source projects are often the only viable alternatives to many Microsoft products that have reached effective monopoly status in the commercial marketplace. In addition to the basic operating system, this includes all kinds of middleware, office software, many communications components, project scheduling, closed authentication systems, and undocumented protocols, apis, and file formats.

OEMs, hardware vendors, large users, ISVs, and ISPs should be held at arms length and not be coerced with regard to any potentially competitive product, bundle, interface, etc.

Enforcement is extremely weak and based on past Microsoft disregard for even federal gov. agreements, this agreement has no teeth to accomplish anything. Microsoft will stall and buy its way out of any attempted action on this plan with resources that are a miniscule fraction of the benefit it drives from past, present, and future illegal monopoly maintenance and collusion.

General comments:

The computing industry, contrary to the simplistic views of non-technical consumers saturated with Microsoft marketing, has been severely held back by the lack of competition in many areas caused by the Microsoft monopoly and Microsofts repeated and pervasive illegal efforts. My estimate has been that we are 10 years behind where we would have been had there been an open operating system, office product, development environment, etc. Progress made in the last five years on GNU/Linux and other software projects seems to bear this out. Unless anti-competitive actions are terminated with extreme measures, the economy and progress in technology and society will continue to suffer greatly.

It is telling that the Only attempts that even go beyond planning in many application areas are open source projects where Microsoft can't buy the company or product out of existence, or otherwise prevent a viable market. The barriers to entry are gigantic in any commercial space where Microsoft has been able to extend and tie to the existing monopoly pool, beginning with the operating system and office software.

Microsoft will continue to thwart the spirit of antitrust/Sherman Act law and therefore constitutes a threat to the proper function of American commercial activity. Without competition and with an ever increasing breadth of product, there is potentially no end to the number of industries, products, services, and everyday actions that Microsoft may control, benefit from, and essentially to tax as a sovereign entity.

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